



STREET FOOD VENDING ENFORCEMENT

DAYTIME OVERVIEW

Daytime enforcement will occur both through pro-active inspection as well as in response to complaints, funded through the Program Administration fee. Complaints are accepted either through email or phone (the contact info will appear on the sticker required on all permitted vending carts and trucks). The Street Use reception line is staffed by a live person 8AM – 5PM, Monday - Friday. When a complaint is received, it is logged into a database and the customer receives a complaint number for tracking purposes.

Inspectors are out in the field through good portions of the day and are assigned by district. Complaints are routed to the inspector and prioritized.

The objective of enforcement is to achieve compliance. To that end, Street Use inspectors begin enforcement by requiring immediate corrective action on site, and then follow up with a written warning and/or monetary citations depending on the severity of the infraction.

NIGHTTIME OVERVIEW

As with daytime enforcement, the objective of enforcement is to achieve compliance. The Code Compliance Team (CCT) is a multi-department team of Fire, SDOT, SPD, Health and, sometimes, Revenue and Consumer Affairs. Deployments are scheduled throughout the year at random outings. Nighttime street-food vending enforcement is funded to occur approximately 26 times per year for the CCT.

Enhanced enforcement efforts around nighttime vending are a relatively recent phenomenon. We are already seeing a higher level of compliance, but are also still refining our tools to ensure we are deploying them effectively. One example of a recent improvement is that, originally, we issued citations or warnings to the vending *operator*. Upon review of our process, we found that it was more effective to penalize the *owner*—as the operator may just be an individual hired for the evening.

Warnings

Eleven written warnings with no monetary penalty have been issued to Street Vendors during CCT enforcement in 2011. Again, at the time of the warning, immediate corrective action is required on site; the written warning is issued to document the violation once corrective action has occurred. Table I, below shows the effectiveness of written warnings as part of the newly enhanced enforcement efforts.



Table I: Written Warnings

Violation type	Warnings	# vendors	Outcome
Illegal vending/no permit	4	4	All 4 obtained permits
Infractions by permitted vendors	7	6	5 vendors: no repeat warnings; 1 vendor: additional warning & citation

Citations

Table II, below shows the outcome of citations issued as part of the recent enhanced enforcement efforts.

When a citation is issued, the violator has three options:

- 1) Pay the citation in full,
- 2) Request a mitigation hearing with the Hearing Examiner (HE) to reduce fines; or
- 3) Contest the citation to the HE.

Table II: Citations

	Paid in Full	Mitigation (Penalty Reductions)	Contest Citation	Collections	TOTAL
# Citations Issued	2	3	0	12	17
# Vendors	2	2	0	2	6
Outcome	2 Obtained permits, no further violations	<ul style="list-style-type: none"> • 1 Obtained Permit, no further violations • 1 stopped blocking mobility, no further violations 	N/A	<ul style="list-style-type: none"> • 1 left Seattle Area* • 1 not in ROW* 	

One vendor has a warrant (unrelated to vending violations) and has not been seen in the city of Seattle at all for some time. The other vendor, while refusing to comply, has not been found vending on the ROW (recently he has been on private property).

ENFORCEMENT PROCESS OVERVIEW

Based on review of effectiveness from the CCT as well as discussion during COBE meetings, the Citation section of the current legislation before City Council should be amended so SDOT can achieve compliance more efficiently. To that end, SDOT will continue to address street-food vending violations through immediate corrective action. Additionally, SDOT is proposing to implement quickly increasing fines and rapid confiscation for significant violations, such as not

having a Street Use permit and/or presenting health and safety risks. For less significant infractions, such as violating conditions of the Street Use permit, SDOT is proposing a “3 Strikes” policy in which increasing monetary penalties would apply and then the permit is revoked.

Table III below describes two types of progressive enforcement depending on the severity of the violation. A detailed explanation of the process is provided beneath Table III.

Table III: Progressive Enforcement Process

		Written Warning	Monetary Citation	Permit Revoked for 1 year	Cart/Truck Impound
LESS SIGNIFICANT VIOLATION <i>(e.g. noise, queuing issues, exceeding “footprint”)</i>		At Discretion (for 1 st infraction only)	1 st violation: \$150 2 nd violation: \$300 3 rd violation: \$600 4 th violation: \$1200	<ul style="list-style-type: none"> • After 3 Citations within 1 year period • Corrective action not immediate 	<ul style="list-style-type: none"> • Operating after permit revoked
SIGNIFICANT VIOLATION	<i>Per mit</i>	N/A	1 st violation: \$300 2 nd violation: \$600 3 rd violation: \$1200	<ul style="list-style-type: none"> • 2 Citations for Significant Violations within 1 year period • Does not cease operating immediately 	<ul style="list-style-type: none"> • Operating after permit revoked • Corrective action not immediate
	<i>No Per mit</i>	N/A	1 st violation: \$300 2 nd violation: \$600 3 rd violation: \$1200	N/A	<ul style="list-style-type: none"> • After 2 Citations for Significant Violations within 1 year period • Corrective action not immediate

LESS SIGNIFICANT: VIOLATING PERMIT CONDITIONS

Progressive Enforcement

There are violations that do not present an eminent health or safety risk. Examples may include, minor noise violations, queuing line issues, exceeding permitted “footprint,” etc. In these cases, the SDOT inspector requires immediate corrective action. At the same time, a vendor will be issued either a \$150 citation for an initial infraction or a written warning, provided the vendor came into compliance immediately. The second infraction of this type within a year would carry a \$300 penalty, and \$600 for the third infraction.

Revocation:

SDOT is proposing to revoke a permit if a vending cart or food vehicle has received more than four upheld citations for less significant violations within one year. A permit may also be

revoked if the vendor does not come into immediate compliance. The vendor will not be eligible for a Street Use permit for 1 year from the date of the revocation.

Impounding/Confiscation:

A cart may be confiscated and impounded if the vendor continues to operate after the Street Use permit is revoked.

SIGNIFICANT VIOLATIONS: NO PERMIT/PUBLIC HEALTH AND SAFETY RISKS

Progressive Enforcement

For violations where the vendor has no permit and/or the violations present an eminent risk to public health and safety, such as health or fire violations, the vendor is ordered to cease operating immediately. Additionally, the vendor will receive a citation of \$300. The second infraction of this type within a year would carry a penalty of \$600.

Revocation:

SDOT is proposing to revoke a permit if a vending cart or food vehicle presents a public safety risk and does not cease operating immediately. The vendor will not be eligible for a Street Use permit for 1 year from the date of the revocation.

Confiscation:

In addition to the “3 strikes” policy, a cart may also be confiscated if the vendor continues to operate after being ordered to shut down.